

vast majority of these points—110 of 150 points—are awarded based on academic achievement. That means grades, test scores, and curriculum. The University also considers other factors like leadership, service, and life experiences. Only 20 points can possibly be awarded on the basis of race. A student who is socioeconomically disadvantaged can also earn 20 points but students cannot earn 20 points for both race and being socioeconomically disadvantaged. Thus, the University does not have a quota or numerical target for minority students, nor does the University admit students primarily on the basis of race.

Like the University of Michigan, most colleges and universities generally give academic records—such as college grades and standardized test scores, the caliber of high school attended, and the rigor of the student's chosen curriculum—the greatest weight in determining whether a student gains admission. But other factors—such as extracurricular activities, race, athletic talent, geographic diversity, or whether students are related to alumni—are also frequently given consideration in the college admissions process. Many colleges give preferences to the children of alumni, and these preferences will often work to the disadvantage of people of color. So, race can be a factor but is not the sole factor in determining admission to college.

I am especially disappointed in the Bush Administration's decision to oppose affirmative action programs because the President has said that he is committed to equal educational opportunities for all America's children. The President has said that education is one of his top priorities. Yet, he has now turned his back on many of the students he promised to help. By submitting an *amicus curiae* brief to the Supreme Court favoring the abolition of affirmative action programs, the President sends the message that he opposes creating higher education opportunities for minority students, who do not always have the same educational opportunities at the secondary school levels as white students.

I might add, that I believe Congress also has an important responsibility to ensure equal access to higher education. I strongly believe that Congress can do more to ensure that students meet the costs of today's college education. That is why Senator COLLINS and I have recently called for a doubling of Pell Grant funding by 2010. Pell grants are an important support for all low income students, regardless of race. In fact, if it were not for the Pell grant program, many low income students would not have the chance to attend college at all.

The Pell grant, however, does not cover what it once did. The price of a college education at both public and private institutions has increased dramatically. Congress needs to increase the funding of the Pell grant program

to keep up with the increasing costs of higher education.

One of the greatest strengths of our nation is its pursuit of equal educational opportunities for all students. Our nation's colleges and universities are the envy of the world for their rigorous curricula and high-caliber professors, but also for their enriching experience of learning in an environment with students who represent a range of racial, ethnic, and social and economic backgrounds representing every part of America, if not the world. I am deeply disappointed that the President decided to put the government of the United States of America on the wrong side of the case where the Supreme Court will address this crucial issue. I hope that the Court will affirm the importance of campus diversity and uphold affirmative action admissions policies that allow colleges and universities to achieve this important diversity.

THE NOMINATION OF GOVERNOR TOM RIDGE AS SECRETARY OF THE HOMELAND SECURITY DEPARTMENT

Mr. JEFFORDS. Mr. President, I rise to speak on the nomination of Governor Tom Ridge to head the newly created Department of Homeland Security. Although I support his confirmation, I would like to elaborate on my expectation that Governor Ridge will be responsive to Congressional committees as he carries out his duties.

As the ranking member on the Senate Environment and Public Works committee, I have been deeply concerned about the creation of this new department. I voted against the legislation creating the Homeland Security Department in part because of concerns about the Federal Emergency Management Agency, FEMA, role in the new organization and its ability to carry out its mission once moved into the Department. The Environment and Public Works Committee, EPW, will continue to have oversight of FEMA within the new department. I fully expect Governor Ridge to answer any and all questions we may have about FEMA's new role in a responsive and timely fashion.

I also expect the Department to act to protect our chemical and nuclear plants from attack and to support legislation such as S. 157, the Chemical Security Act sponsored by Senator CORZINE and myself in the 108th Congress, and favorably reported by the EPW Committee in the 107th Congress as S. 1602, and S. 1746, the Nuclear Security Act sponsored by Senator REID and reported favorably by the EPW Committee in the 107th Congress.

Governor Ridge expressed his concern about these important security issues in testimony before the EPW Committee on July 10, 2002, stating, "The fact is, we have a very diversified economy and our enemies look at some of our economic assets as targets. And

clearly, the chemical facilities are one of them." The Washington Post published a letter on Sunday, October 6, 2002 from Governor Ridge and Administrator Whitman expressing the commitment of the Bush Administration to reduce the vulnerability of America's chemical facilities to terrorist attack. In this letter the Governor stated that voluntary efforts alone are not sufficient to provide the level of assurance Americans deserve. I agree with the Governor and expect his engagement in the development of legislation to address this issue.

As Senator LEVIN pointed out in Governor Ridge's confirmation hearing before the Government Affairs committee last week, language contained in section 214 of the implementing legislation for the Homeland Security Department could be interpreted to exempt from disclosure any information included in a voluntary submission, including evidence of illegal activity such as hazardous waste dumping. Further information, even if discovered independently of the submission, could not be used in any action against that company. Even a Member of Congress would be prevented from taking any action with that information.

In other words, this language could give substantial legal shelter to companies acting illegally. The potential environmental consequences of this are enormous.

While I note the potential for this interpretation, I do not believe it is the correct interpretation, and I was heartened to hear that Secretary Ridge shares my views on this. In last week's confirmation hearing, he said, "That certainly wasn't the intent, I'm sure, of those who advocated the Freedom of Information Act exemption—to give wrongdoers protection, or to protect illegal activity. And I'll certainly work with you to clarify that language."

I agree with the Secretary that ambiguities in this language must be clarified to make clear that it is only the physical document being submitted to the Department of Homeland Security that is intended to be protected by this provision. Records generated elsewhere or by other means, even if they contain similar or identical information to that which was submitted to Homeland Security, would not be affected by this provision but would continue to be treated under existing Freedom of Information Act provisions or other applicable law. This allows confidentiality of the information voluntarily submitted to Homeland Security, while still allowing other Government agencies to proceed with their duties under existing law. It also allows the public continued access to information to which it has traditionally been entitled under our public information laws.

I look forward to working with Governor Ridge as he assumes his new post.